

VERMONT DEPARTMENT OF HEALTH

Instructions for Completing the Affidavit of Performance

Vermont Law requires that owners of rental property and child care facilities built before 1978 complete an Affidavit of Performance upon completion of Essential Maintenance Practices (EMPs). **Each year**, an affidavit must be filed with the Department of Health and with the property owner's liability insurance carrier. The date that this affidavit is notarized becomes your annual compliance date for the purposes of fulfilling 18 VSA § 1759. This means you will be required to complete and file your next affidavit within 365 days of the date of this affidavit.

A copy of 18 VSA § 1759 is included on the reverse of this page. Please refer to this information for the exact wording of the law.

Completing the Affidavit

Please print legibly.

- A.** Fill in the physical address of the rental property or child care facility, the original date of construction of the building, and the number of rental units.
- Indicate the unit or apartment number if doing separate affidavits for individual units in a multi-unit building.
 - You may choose to complete one affidavit for a multi-unit building.
 - For more than one building, each building must have its own separate affidavit.
- B.** Check **one** of the boxes to indicate:
- Rental housing built before 1978 OR
 - Child Care Facility: Name as it appears on license or registration: _____
("Child care facility" includes both licensed day care facilities and registered family day care homes.)
- C.** Essential Maintenance Practices (EMPs)
For each Essential Maintenance Practice (EMP) completed, fill in the "Date Completed" and "Performed By" columns. If a specific EMP does not apply to your situation or property for the report year, then put N/A in that column.
1. The person who performs the EMPs must have taken the Department of Health EMP class or be supervised by someone who has taken the class. Include the date of certification, the certified person's name, and certification number. 18 VSA § 1759 (a)(9)
 2. List dates for both annual inspections and change of tenant inspections and the certified person who completed each inspection. 18 VSA § 1759 (a)(2)
 3. If you have window well inserts but do not know when or by whom they were installed, write "yes" under date completed and "unknown" under performed by. 18 VSA § 1759 (a)(2)
 4. Put the date completed for any porch or interior paint stabilization work and the EMP certified person who performed the work. If no paint stabilization was required, put N/A. 18 VSA § 1759 (a)(4)
 5. Put the date completed for any exterior paint stabilization or blocking access to deteriorating paint and the EMP certified person who performed the work. If none was required, put N/A. 18 VSA § 1759 (a)(5)
 6. If paint was disturbed, indicate that precautions were taken and that prohibited practices (burning, water blasting, dry scraping, power sanding, sandblasting) were not used. 18 VSA § 1759 (a)(1)(A), (B), and (C)
 7. List dates that specialized cleaning was performed and the certified person who completed each cleaning. 18 VSA § 1759 (a)(1)(C) & (a)(3) & (a)(10)
 8. Verify that "Protect Your Family From Lead in Your Home" has been distributed. 18 VSA § 1759 (a)(6)
 9. Verify that the lead poster is hanging in a location where all tenants can see it. 18 VSA § 1759 (a)(7)
- D.** Property owner must **legibly** print his or her name, swear to the truth of the statements, and sign the affidavit in the presence of a Notary Public. Print the property owner's mailing address and telephone number under the signature.
- E.** Send the top (white) copy of the signed and completed affidavit to the Vermont Department of Health, PO Box 70, Burlington, VT 05402-0070; the yellow copy to your liability insurance carrier; keep the pink copy for your records; or send photocopies of the online form. **Do not send a copy to the Child Care Services Division.**

Contact the **Childhood Lead Poisoning Prevention Program** at 1-800-439-8550 or (802) 865-7786 with questions or if you need additional affidavits (or check healthvermont.gov).

§ 1759. Essential Maintenance Practices

(a) For the purposes of this section, all paint is presumed to be lead-based unless a certified inspector has determined that it is not lead-based. All owners of rental target housing and child care facilities shall perform the following essential maintenance practices on their property:

(1) Take all reasonable precautions to avoid creating lead hazards during any renovation, remodeling, maintenance or repair project that disturbs a lead-based painted surface pursuant to guidelines issued by the department. The guidelines shall include the following requirements:

(A) A prohibition against lead-based paint removal by burning, water blasting, dry scraping, power sanding, or sandblasting, unless authorized by the department.

(B) Use of good work practices and safety precautions to prevent the spread of lead dust, including limiting access to work areas to workers, covering the work area with six mil polyethylene plastic or the equivalent, wearing of protective clothing by workers, protecting belongings of occupants by covering or removing them from the work area, misting painted surfaces before disturbing the paint and wetting sweeping debris.

(C) At the conclusion of the work, specialized cleaning of the work area shall be performed using methods designed to remove lead dust and recommended by the department.

(2) Perform visual on-site inspections of all interior and exterior surfaces and fixtures of the building to identify deteriorated paint and install window well inserts into all windows, or protect window wells by another method approved by the department, no later than July 1, 1998; thereafter, visual on-site inspections shall be performed annually and upon a change of tenant.

(3) At each change of tenant, and annually in units in which a child six years of age or younger resides clean all window wells and window sills within the unit and in all areas of the building to which access by tenants is not restricted by the rental agreement. The cleaning shall be accomplished by using cleaning methods, products and devices that are effective in the removal of lead-contaminated dust and recommended by the department.

(4) Promptly and safely remove or stabilize lead-based paint if more than one square foot of deteriorated lead-based paint is found on any interior surface located within any area of the building to which access by tenants is not restricted by the rental agreement or on any exterior porch or an exterior wall, surface or fixture within the exterior porch. An owner shall restore the surfaces to be free of deteriorated lead-based paint within 30 days after deteriorated lead-based paint has been visually identified or within 30 days after receipt of a written or oral report of deteriorated lead-based paint from a tenant or from an owner of a child care facility. If exterior repair work is identified after November 1 of any year, the repair may be delayed for completion until no later than May 31 of the following year.

(5) If more than one square foot of deteriorated paint is found on any exterior wall surface or fixture not covered by subdivision (4) of this subsection and is located in an area frequented by children six years of age or younger in warm weather, the owner shall:

(A) promptly and safely repair and stabilize the paint and restore the surface; or

(B) prohibit access to the area, surface or fixture to assure that children will not come into contact with the deteriorated lead-based paint.

(6) Provide written LBP hazard information prepared or approved by the department to current and prospective tenants and current and prospective owners of child care facilities.

(7) Post, in a prominent place in buildings containing rental target housing units or a child care facility, a notice to occupants emphasizing the importance of promptly reporting deteriorated paint to the owner or to the owner's agent. The notice shall include the name, address, and telephone number of the owner or the owner's agent.

(8) Attend a training program offered or approved by the department. The training, which shall be available to any person who repairs, remodels or renovates property, shall be attended by the owner, the owner's property manager, or a representative of the owner's regular maintenance staff.

(9) Ensure that any person who performs essential maintenance work has completed a department-approved training program or is being supervised on-site by a person who has completed the training program and complies with the essential maintenance practices.

(10) At each change of tenant, the owner shall clean all horizontal surfaces, except ceilings, within all areas of the building used by tenants and not otherwise restricted by the rental agreement. This cleaning shall be done by using cleaning methods, products and devices prescribed by the department that are effective in cleaning up lead-contaminated dust, such as vacuum cleaners with HEPA filters, and wet-cleaning with trisodium phosphate or other lead specific detergents.

(b) When the essential maintenance practices are completed, the owner shall sign an affidavit indicating that, to the best of the owner's knowledge and belief, the essential maintenance practices have been performed, the dates they were completed, and by whom they were performed. The owner shall file the affidavit with the owner's liability insurance carrier and the department. Annually, the owner shall conduct a visual check, perform required essential maintenance practices, and sign and file an affidavit as required by this subsection. (Added 1995, No. 165 (Adj. Sess.), § 6; amended 1997, No. 37, §§ 2-4.)

Affidavit of Performance of Essential Maintenance Practices

(in accordance with 18 VSA § 1759)

(Only one building per affidavit. Please print.)

Physical Address of Property:

Original Date of Construction: _____

Number of Units in Building: _____

Check One:

☐ Rental Housing built before 1978

☐ Child Care Facility: Name as it appears on license or registration: _____

I hereby swear that to the best of my knowledge and belief, the following essential maintenance practices were completed on the dates given by the person or entity specified for the property listed above:

Essential Maintenance Practice (EMP)	Date Completed	Performed By
1. Ensure that any person performing EMPs has completed an approved course or is supervised on-site by someone who has completed an approved course.		Cert. # _____
2. Visually inspected all interior and exterior surfaces of the building to identify deteriorated paint <input type="checkbox"/> Annually and/or <input type="checkbox"/> Upon change of tenant	_____ _____	_____ _____
3. Installed window well inserts in all windows.		
4. Safely stabilized paint within 30 days of visual inspection or after report by a tenant, if more than one square foot of deteriorated paint was found on any interior surface or on any exterior porch surface.		
5. Safely stabilized paint or blocked access to paint within 30 days of visual inspection or after report by a tenant if more than 1 square foot of deteriorated paint was found on any exterior surface not associated with a porch. (If exterior repair work was identified after November 1 of any year, the repair may be delayed until no later than May 31 of the following year.)		
6. Performed all work using safe work practices. Kept creation of lead dust to a minimum by NOT burning, water blasting, dry scraping, power sanding, or sand blasting.		
7. Performed specialized cleaning <input type="checkbox"/> At the conclusion of work and/or <input type="checkbox"/> Annually in units with children under 6 and/or <input type="checkbox"/> Upon change of tenant	_____ _____ _____	_____ _____ _____
8. Provided pamphlet "Protect Your Family From Lead in Your Home" to current and prospective tenants and current and prospective owners of child care facilities.		
9. Posted, in a prominent location, a notice to occupants encouraging them to promptly report deteriorated paint to the owner or owner's agent.		

Legibly print property owner's name

Property owner's signature

Property Owner's Mailing Address
& Phone Number: _____

STATE OF VERMONT)
COUNTY OF _____)SS

Subscribed and sworn to before me this ____ day of _____, _____

NOTARY PUBLIC

COMMISSION EXPIRES: _____

Please Note: The date that this affidavit was notarized becomes your annual compliance date for the purposes of fulfilling 18 VSA § 1759. This means you will be required to complete and file your next affidavit within 365 days of the date of this affidavit.

Each year an affidavit must be filed with the owner's liability insurance carrier and with the: VERMONT DEPARTMENT OF HEALTH, Childhood Lead Poisoning Prevention Program, PO Box 70, Burlington, VT 05402-0070.

Rev. 12/04, Updated 6/06